IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1158 OF 2004

Dilip Vithal Shinde& Ors. ...Applicants

Versus

State of Maharashtra ...Respondent

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Mr.S.A.Ingawale for Applicants.

Mr.A.S.Gadkari, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

OCTOBER 1, 2004.

P.C.

1. Heard Mr.Ingawale for the Applicants. The only argument canvassed before me is that there was no basis to frame charge under Section 364 of the Indian Penal Code against the present Applicants because there is no evidence that the victim was kidnapped with intention to commit murder. This submission, however, overlooks the purport of second part of Section 364 of the Indian Penal Code. The Court below has, upon considering the

materials on record, has observed that there is sufficient material to attract the second part of Section 364. It is on that basis, charge has been framed. In this view of the matter, there is no reason to depart from the view taken by the Court below. The Application is devoid of merits. Hence, dismissed.

2. Needless to observe that dismissal of this Application is not an expression of opinion on the merits of the case.

A.M.KHANWILKAR, J.